



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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NEW DELHI, FRIDAY, NOVEMBER 30, 2007 / AGRAHAYANA 9, 1929

इस भाग में बिना पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 30th November, 2007:—

BILL No. 33 of 2007

A Bill to provide for the compulsory registration of all marriages solemnized in the country and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Registration of Marriages Act, 2007.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Short title,
extent and
commencement.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State, the Government of that State, and in all other cases, the Central Government;

(b) “designated authority” means an authority or an officer appointed for the purpose of registration of marriages under section 4; and

(c) “prescribed” means prescribed by rules made under this Act.

Compulsory
registration
of Marriages.

3. (1) Notwithstanding anything contained in any other law for the time being in force, or in any custom or usage to the contrary, every marriage solemnized after the commencement of this Act, shall be compulsorily registered.

(2) It shall be the duty of the bridegroom to get his marriage registered with the designated authority within sixty days of the date of solemnization of the marriage in such manner as may be prescribed.

Appointment
of designated
authority.

4. (1) The appropriate Government shall, by notification in the Official Gazette, appoint an officer or an authority in each district for registration of marriages.

(2) The designated authority shall maintain a register of marriage in such form and manner as may be prescribed and shall also keep the record in electronic form.

(3) The appropriate Government shall prescribe the documents relating to solemnization of marriage to be furnished at the time of registration of marriage for record.

(4) The designated officer or authority shall, if satisfied with the documents and details furnished by either party to the marriage for registration of marriage, issue a marriage certificate to such person.

Marriage
without
registration to
be null and
void.

5. Any marriage which is not registered within sixty days of its solemnization shall not be treated as a valid marriage and shall be null and void.

Disincentives.

6. Any person who violates the provisions of this Act shall not be entitled to any benefit under any welfare scheme by the appropriate Government or its agencies.

Penalty.

7. Any person who fails to apply for registration of marriage within the prescribed period or furnishes false information or documents for registration of his marriage shall be liable to pay a fine which may extend to rupees twenty-five thousand.

Central
Government
to provide
money.

8. The Central Government shall, after due appropriation made in this behalf, provide such sums of money as it may think necessary for carrying out the purposes of this Act.

Power to
remove
difficulty.

9. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

Act to have
overriding
effect.

10. The provisions of this Act shall have effect notwithstanding any provision inconsistent therewith contained in any other law for the time being in force, but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to marriages.

Power to
make rules.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

In our country, marriage is considered as a sacred union. Our culture assigns a great value to the solemnization of marriage. But, of late, there are numerous instances of abuse of the institution of marriage. On many occasions unscrupulous husbands altogether deny marriage, leaving their wives in lurch, be it for seeking maintenance, custody of children or inheritance of property. The cases of child marriage are reported from various parts of the country. Every year, lakhs of marriages are solemnized throughout the country but people do not opt for registration of marriages for one reason or another. Recently, the Supreme Court has observed that all marriages should be registered in order to prevent child marriages, check bigamy and polygamy, help women in exercising their rights of maintenance from husband and custody of children and enable widows to claim inheritance. At present, there is no law providing for compulsory registration of marriages in the country. In the States of Maharashtra, Gujarat, Karnataka and Himachal Pradesh, Government have enacted laws for compulsory registration of marriages. The proposal for a uniform law for the country has been pending for the last many years. Therefore, it is high time that a law on compulsory registration of marriage is enacted.

This Bill seeks to achieve the above objectives.

NEW DELHI;
February 9, 2007.

L. RAJAGOPAL

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the appropriate Government shall appoint designated authority or an officer for registration of marriages. The expenditure in relation to Union territories in this regard shall be borne by the Central Government. Clause 8 of the Bill provides that the Central Government shall provide funds required for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees twenty crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to the matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 39 OF 2007

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Castes) (Union Territories) Order, 1951, and to amend the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962, the Constitution (Pondicherry) Scheduled Castes Order, 1964, and the Constitution (Sikkim) Scheduled Castes Order, 1978.

Be it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Scheduled Castes) Orders (Amendment) Act, 2007.

Amendment of Constitution (Scheduled Castes) Order, 1950.

2. In paragraph 3 of the Constitution (Scheduled Castes) Order, 1950, for the words "or the Buddhist", the words, "the Buddhist or the Christian" shall be substituted.

C.O. 19

5071-2-9-07

C.O. 32	3. In paragraph 3 of the Constitution (Scheduled Castes) (Union Territories) Order, 1951, for the words "or the Buddhist", the words, "the Buddhist or the Christian" shall be substituted.	Amendment of Constitution (Scheduled Castes) (Union Territories) Order, 1951.
C.O. 52	4. In the proviso to paragraph 2 of the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, for the words "or the Buddhist", the words, "the Buddhist or the Christian" shall be substituted.	Amendment of the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956.
C.O. 64	5. In the proviso to paragraph 2 of the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962, for the words "or the Buddhist", the words, "the Buddhist or the Christian" shall be substituted.	Amendment of the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962.
C.O. 68	6. In the proviso to paragraph 2 of the Constitution (Pondicherry) Scheduled Castes Order, 1964, for the words "or the Buddhist", the words, "the Buddhist or the Christian" shall be substituted.	Amendment of the Constitution (Pondicherry) Scheduled Castes Order, 1964.
C.O. 110	7. In the proviso to paragraph 2 of the Constitution (Sikkim) Scheduled Castes Order, 1978, for the words "or the Buddhist", the words, "the Buddhist or the Christian" shall be substituted.	Amendment of the Constitution (Sikkim) Scheduled Castes Order, 1978.

STATEMENT OF OBJECTS AND REASONS

India is a secular and democratic republic. The Constitution prohibits the discrimination on the basis of religion, caste, place of birth, etc. of the citizens. Simultaneously, it provides that the State shall make special provisions for the advancement of socially and educationally backward citizens of the country. In spite of so many enabling provisions in the Constitution to support the weaker sections of the society, the successive Governments have shown no interest to confer the status of Scheduled Castes and extend the benefits of reservations to the persons who originally belonged to the Scheduled Castes and have since converted to Christianity. These persons are also known as Dalit Christians.

The social status of Dalit Christians has not improved much after their conversion from Hindu religion to a new faith. They are still living in pathetic conditions. After conversion to a new faith these people lost the status of Scheduled Castes in the eyes of the law and were deprived of the benefit of reservation provided in jobs, etc. under the State. Moreover, the social and educational status of Dalit Christians is not different from that of persons belonging to the Scheduled Castes in other religions. They have not been included in the list of Scheduled Castes for the reason that these persons profess a religion different from the Hindu, the Sikh or the Buddhist religion. It is, therefore, necessary to amend the various Constitution (Scheduled Castes) Orders in order to extend the benefits of reservation to the persons who originally belonged to the Scheduled Castes and profess Christian religion.

The Bill seeks to achieve the above objectives.

NEW DELHI;
February 23, 2007.

L. RAJAGOPAL

FINANCIAL MEMORANDUM

Clauses 2 to 7 of the Bill seek to include persons professing Christian religion into the list of Scheduled Castes based on their social, educational and economic backwardness. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India on account of benefits to be provided to the persons belonging to the proposed new community under continuing schemes meant for development of Scheduled Castes. It is estimated that an annual recurring expenditure of about rupees one hundred crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be incurred.

BILL No. 42 OF 2007

A Bill to prohibit the use of caste name or title relating to caste or religion as prefix or suffix with names by the citizens and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (a) This Act may be called the Prohibition on Use of Caste or Religious Title Act, 2007.

(b) It extends to the whole of India.

(c) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) "appropriate Government" means in the case of a State, the Government of that State and in all other cases the Central Government;

10/10/2007

(ii) "document" includes letter head, name plate, visiting card, educational certificate or paper relating to rights in or over property; and

(iii) "prescribed" means prescribed by rules made under this Act.

3. No person, or body of individuals or association or institution shall write or indicate caste or any title relating to his caste or religion with his name on any document.

Prohibition of use of caste name or title relating to caste or religion.

4. No establishment, organisation or institution whether owned or controlled by the appropriate Government or a private company or institution whether incorporated or not shall require any person to write or indicate his caste or any title relating to his caste or religion in any of its documents or forms prescribed for the purposes of admission in educational institutions, grant of scholarship or employment.

Organisations or institutions not to require any person to state his caste name or title relating to his caste or religion in any of their documents.

5. The provisions of this Act shall not apply to,—

Exemptions.

(i) any person who writes or indicates the name of his caste or title of his caste or religion in the form prescribed for the purpose of applying for or obtaining caste certificate from the competent authority of the appropriate Government; and

(ii) any competent authority who requires any person to write or indicate his caste or any title relating to his caste or religion in the form prescribed for the purpose of issue of caste certificate to any person belonging to a Scheduled Caste or a Scheduled Tribe or any Other Backward Classes.

Explanation: For the purpose of this section, competent authority means such officer or authority as the appropriate Government may, by notification in the Official Gazette, appoint as the competent authority for the purposes of issuing caste certificate.

6. After the commencement of this Act, no person shall give a name to a new born baby which signifies his caste or any title relating to his caste or religion.

Prohibition of use of caste name or title relating to caste or religion with the names of new born baby.

7. No document which has been issued or made prior to coming into force of this Act shall be void on the ground of inconsistency with the provisions of this Act.

Saving of documents issued or made prior to the commencement of the Act.

8. Whoever acts in contravention of the provisions of this Act shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to twenty-five thousand rupees or with both.

Penalty.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

India is a secular country. Our Constitution aims to establish a classless and casteless society. Even after nearly six decades of independence, our dream of a casteless and classless society remains a dream. The cherished objectives cannot be achieved unless there is a legislative framework to prohibit the use of caste name or any title relating to caste or religion in the names as prefix or suffix by the citizens. From time to time, the casteism and the religious fundamentalism raise their ugly head and hampers the endeavour to build up a homogeneous society. The divisive forces are continuously trying to divide the country along caste and religious lines by fomenting caste and religious feelings of the citizens.

The use of caste titles, caste names and religious titles in all of their forms should be discouraged in order to strengthen the secularism and build up a homogeneous society.

This Bill seeks to achieve the above objectives.

NEW DELHI;
February 23, 2007.

L. RAJAGOPAL

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is of a normal character.

BILL NO. 76 OF 2007

A Bill to provide for the establishment of a permanent Bench of the High Court of Andhra Pradesh at Vijayawada.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the High Court of Andhra Pradesh (Establishment of a Permanent Bench at Vijayawada) Act, 2007.

Establishment
of a
Permanent
Bench of
Andhra
Pradesh at
Vijayawada.

2. There shall be established a permanent Bench of the High Court of Andhra Pradesh at Vijayawada and such Judges of the High Court of Andhra Pradesh, being not less than four in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Vijayawada in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Srikakulam, Vizianagaram, Visakhapatnam, East Godavari, West Godavari, Krishna, Prakasam and Guntur.

STATEMENT OF OBJECTS AND REASONS.

Before the reorganization of the State of Andhra Pradesh, between 1953 and 1956, the Andhra Pradesh High Court used to function from Guntur. After the formation of the State of Andhra Pradesh in 1956, the Andhra High Court was merged with the Andhra Pradesh High Court and it was shifted to Hyderabad.

Andhra Pradesh is a very large State. The capital of Andhra Pradesh, Hyderabad, which is also the seat of the High Court of Andhra Pradesh, is far away from the coastal regions of Andhra Pradesh. Therefore, the people of the coastal regions of Andhra Pradesh face difficulties and inconvenience in pursuing litigation in the High Court of Andhra Pradesh. They have to travel all the way to Hyderabad for the purpose. This results in denial of speedy justice. The establishment of the bench of High Court of Andhra Pradesh at Vijayawada will help mitigate the problems of the people of the coastal regions of Andhra Pradesh. Vijayawada is centrally located in the coastal region of Andhra Pradesh and people living in coastal parts can conveniently reach there to pursue their cases.

The city of Vijayawada has good infrastructure and is located in the vicinity of many big cities like Guntur, Eluru, etc. Therefore, the establishment of a permanent bench of High Court of Andhra Pradesh at Vijayawada shall fulfill the needs of the people of the area.

This will also help in satisfying the long pending demand of the people of the coastal regions of Andhra Pradesh.

Hence this Bill.

NEW DELHI;
July 30, 2007.

L. RAJAGOPAL

5092 4. 4. 2007

BILL NO. 68 OF 2007

A Bill to provide for the setting up of a National Commission for Youth for their overall development and for matters connected therewith.

Be it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called The National Commission for Youth Act, 2007.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) "appropriate Government" means the State Government or the Central Government, as the case may be;

(ii) "Commission" means the National Commission for Youth set up under section 3;

(iii) "prescribed" means prescribed by rules made under this Act; and

(iv) "Youth" means any person who has attained the age of eighteen years but is not above the age of forty-five years.

3. (1) The Central Government shall, by notification in the official gazette, set up a National Commission for Youth.

National
Commission
for Youth.

(2) The Commission shall consist of:

(i) a Chairman having special knowledge in the field of youth affairs, to be appointed by the Central Government; and

(ii) such number of other members having such qualification as may be prescribed.

(3) The conditions of service, salaries and allowances of Chairman and other members of the Commission shall be such as may be prescribed.

4. The Central Government shall make available such number of officers and staff including experts to the Commission as may be required for its functioning.

Central
Government
to provide
officers and
staff for the
Commission.

5. The Commission shall perform the following functions:—

Functions of
the Commis-
sion.

(i) formulate a national policy for the overall development of youth in the country;

(ii) such functions in regard to formulation and implementation of schemes for the welfare of youth as may be assigned to it by the appropriate Government; and

(iii) such other functions as may be assigned to it by the Central Government.

6. (1) The Central Government shall set up a fund to be known as the Youth Development Fund to implement the provisions of this Act.

Youth
Development
Fund.

(2) The Central Government and State Governments shall contribute to the fund in such ratio as may be prescribed.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

Even after six decades of independence, no clear-cut policy for the overall development of youth has been formulated in our country so far. Today, youth of the country are facing so many problems. This includes, to name a few, problems relating to education, poverty, nutrition, self-employment, vocational training, health, etc. There is no institutional mechanism to harness their potential and channelise their energy for the betterment of the country. There is no proper planning for comprehensive development of the youth. The plight of youth belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes (OBCs) is even worse. Apart from all the problems mentioned above, they also have to face social ostracisation.

We need to instill a sense of belonging among the youth by providing them all opportunities for their development so that they can contribute to the progress of the country to their full potential. The facilities should be provided as a matter of right and not as privilege. Employment should be guaranteed to the youth. The youth should be linked directly with the production process. The disparities between the rural and urban youth should be eliminated in a phased manner. Steps taken in this direction will not only uplift the conditions of the Youth but will also create a better society leading to a civilized and strong nation. A comprehensive youth policy through the National Commission for Youth, for their all round development is, therefore, need of the hour.

The Bill seeks to achieve the above objectives.

NEW DELHI,
August 3, 2007.

ALOK KUMAR MEHTA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a National Commission for Youth. Clause 4 provides that the Central Government shall make available necessary officers and staff for the efficient functioning of the Commission. Clause 6 provides for creation of a Youth Development Fund. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated fund of India. It is estimated that an annual recurring expenditure of about rupees two hundred fifty crore will be involved.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 80 OF 2007

A Bill to provide for rehabilitation of farmers who are displaced as a result of acquisition of their land for setting up of industrial units, sharing by such farmers in the profits made by industrial units and for matters connected therewith.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Displaced Farmers (Rehabilitation and Other Facilities) Act, 2007.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means the Central Government or a State Government, as the case may be;

(b) "farmer" means a person whose agricultural land is acquired by the appropriate Government for establishing any industrial unit, by whatever name called; and

(c) "prescribed" means prescribed by rules made under this Act.

Comprehensive
rehabilitation
plan for
farmers.

3. (1) The appropriate Government shall prepare a comprehensive plan for the rehabilitation of farmers displaced as a result of acquisition of their agricultural land for setting up of any industrial unit.

(2) The rehabilitation plan under sub-section (1) shall include provisions of housing, adequate compensation, employment to one member of the family of a farmer in the industrial unit, agricultural land at a new site and such other facilities to the farmers, as the appropriate Government may deem necessary.

Payment of
share of
profits to
farmers out
of the profits
of industrial
unit.

4. (1) There shall be paid to every farmer, such share of profits of the quarterly net profits of the industrial unit, as may be prescribed.

(2) For the purpose of sub-section (1), the management of industrial unit shall—

(a) maintain true accounts and publish them quarterly; and

(b) deposit the share of every farmer in the profits of the industrial unit in the bank accounts of farmers before the tenth day of the month following each quarter.

(3) It shall be the responsibility of the appropriate Government to ensure implementation and monitoring of delivery by the management of the industrial units to the farmers of the share of their profits from the profits of the industrial units.

Procedure
regarding
filing of
complaint,
etc

5. (1) Any farmer aggrieved by the violation of any of the provisions of this Act may file a complaint in writing with such authority, as the appropriate Government may designate.

(2) The designated authority, either on his own or on a complaint filed under sub-section (1), shall cause an enquiry to be made in such manner, as may be prescribed.

(3) Where the inquiry under sub-section (2) is made on a complaint filed under sub-section (1), the inquiry shall be completed within one month of the making of the complaint.

(4) On completion of inquiry, the designated authority may order such action as may be appropriate and necessary to fulfill the objectives of this Act:

Provided that where the management of an industrial unit fails to comply with the orders of the designated authority, the designated authority may impose such fine, not less than rupees ten lakh, on the management, as it may deem fit.

Overriding
effect of the
Act.

6. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to
make rules.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

10/10/10

STATEMENT OF OBJECTS AND REASONS

Agriculture is a prominent sector of Indian economy. About two-third population of the country is dependent on agriculture for their livelihood. Usually, land is the only resource for a farmer. The loss of this asset adversely affects the livelihood of a farmer. Due to poor compensation and lack of proper rehabilitation, the living conditions of farmers deteriorate and ultimately they fall in debt trap. In many cases, after displacement, they have to move to cities and live in miserable conditions. At the same time, the industrial units and projects, which are established on the land acquired from farmers at cheap rates, earn a huge profit due to a favourable economic policies of the Government. Thus, it is necessary that proper provisions are enacted for compensation, rehabilitation, employment and sharing by farmers in the profits made by such industrial projects so that livelihood of farmers is not jeopardized and their conditions do not become pitiable. It must also be ensured that the interests of farmers are protected while moving ahead on the path of economic development of the country. They should become a partner in the economic growth and the growth should also reach them.

Hence this Bill.

New Delhi;
August 10, 2007

HANSRAJ GANGARAMJI AHIR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for comprehensive plan for rehabilitation of farmers displaced as a result of acquisition of their agricultural land. As regards the expenditure involved in giving effect to the provisions of the Bill in the States, it shall be borne out of the Consolidated Funds of the respective States. However, in case of Union territories, the expenditure shall be met out of the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five hundred crore per annum.

A non-recurring expenditure of rupees hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

BILL NO. 74 OF 2007

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2007.

Amendment
of the
Schedule.

2. In the Schedule to the Constitution (Scheduled Castes) Order, 1950, in Part IX.—
Maharashtra, for entry 48, the following entry shall be substituted, namely:—

C.O. 19

"48. Manne, Namosudra, Namasudra, Namosudra."

STATEMENT OF OBJECTS AND REASONS

In pursuance of article 341 of the Constitution, the list of Scheduled Castes was first notified in 1950, and thereafter it has been modified on various occasions. The inter-state migration of communities belonging to Scheduled Castes have made various State Governments to request for the inclusion of these migrated communities in the list of Scheduled Castes in respect of that State. Consequently, some of these communities have been included in the list of Scheduled Castes in various States. However, there are still some communities which have been included in the list of Scheduled Castes in respect of some States while the same castes have been left out from the list of Scheduled Castes in other States.

The Namasudra community has been included in the list of Scheduled Castes in several States. But the community has not been included in the list of Scheduled Castes in respect of the State of Maharashtra, and as such they are not entitled to the benefits extended to the Scheduled Castes.

Therefore, it is necessary to include Namosudra, Namasudra, Namosudra communities in the list of Scheduled Castes of the State of Maharashtra in view of their economic, educational and social backwardness.

Hence this Bill.

NEW DELHI;
August 10, 2007

HANSRAJ GANGARAMJI AHIR

FINANCIAL MEMORANDUM

The Bill seeks to include Namosudra, Namasudra, Namosudraa communities in the list of Scheduled Castes in respect of the State of Maharashtra by way of amending the Constitution (Scheduled Castes) Order, 1950. The Bill, if enacted, would involve recurring and non-recurring expenditure on account of benefits to be extended to these communities under the schemes and programmes of the Government meant for social, educational and economic development of the scheduled castes. It is estimated that a sum of approximately rupees fifty crore is likely to be involved as a recurring expenditure per annum.

A non-recurring expenditure of about rupees Fifty crore is also likely to be involved.

BILL NO. 75 OF 2007

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2007. Short title.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part IX.—*Maharashtra*, for entry 17, the following entry shall be substituted namely:— Amendment of the Schedule.

"17. Gamit, Gamta, Gavit, Marvchi, Padvi, Gowari, Gowar, Gowara."

STATEMENT OF OBJECTS AND REASONS

There has been a long pending demand to include the Gowari tribe of Maharashtra in the list of scheduled tribes maintained under article 342 of the Constitution. The Gowari tribe is also known as Gowar or Gowara tribe. This community is plagued by extreme social, educational and economic backwardness. The Union Government took cognizance of the poor condition of this community and brought a Bill in the year 1967 to include this community in the schedule to the Constitution (Scheduled Tribes) Order, 1950. However, the Bill lapsed and the Gowari community could not be added to the list of Scheduled Tribes of the State of Maharashtra.

The Gowari community made several efforts and launched campaigns in the past to get their community included in schedule to the Constitution (Scheduled Tribes) Order, 1950. As many as 114 people of the community have laid down their lives seeking inclusion of the Tribes. After considering the demand of the community, on four different occasions the Government of Maharashtra have recommended the inclusion of the Gowari community in the schedule to the Constitution (Scheduled Tribes) Order, 1950. The condition of this community is deteriorating day by day due to lackadaisical approach of the Government towards provision of benefits of reservation to the people belonging to this community.

The Gowari tribe needs the support of the State in the form of reservation in services under Government and other affirmative action of the Government so that they can be integrated with the mainstream and become an important part of the social fabric. To ensure such support to them, it is proposed in the Bill to include the Gowar, Gowara and Gowari community in Part IX-Maharashtra in the Schedule to the Constitution (Scheduled Tribes) Order, 1950.

Hence this Bill.

NEW DELHI;
August 10, 2007

HANSRAJ GANGARAMJI AHIR

FINANCIAL MEMORANDUM

The Bill seeks to include Gowar, Gowara and Gowari community in the list of Scheduled Tribes in respect of the State of Maharashtra by way of amending the Constitution (Scheduled Tribes) Order, 1950. The Bill, if enacted, would involve recurring and non-recurring expenditure on account of the benefits to be given under the schemes and programmes of the Government meant for social, educational and economic development of the scheduled tribes. At this stage, it is not possible to mention the exact amount which may be incurred on this account. However, it is estimated that a sum of approximately rupees one hundred crore is likely to be involved as a recurring expenditure per annum.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

5092-893.

BILL NO. 78 OF 2007

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title.

1. (1) This Act may be called the Constitution (Amendment) Act, 2007.

Amendment of
the Eighth
Schedule.

2. In the Eighth Schedule to the Constitution, existing entries 1 to 22 shall be re-numbered as entries 2 to 23 respectively and before entry 2 as so re-numbered, the following entry shall be inserted, namely:—

“1. Angika.”.

STATEMENT OF OBJECTS AND REASONS

'Angika' language is spoken mainly in ancient 'Ang' Pradesh which comprises areas falling in north-eastern and southern Bihar, Jharkhand, Bengal, Assam, Orissa and tarai region of Nepal. This ancient classical language is also spoken in countries like Cambodia, Vietnam, Malaysia, etc. It is the mother tongue of about five to six crore people.

The Angika language has a rich literature both in prose and poetry since ancient times. However, the language has yet to get due recognition that it deserves.

Taking into account the antiquity of the language and its use by a large number of people, Angika language deserves due recognition by its inclusion in the Eighth Schedule to the Constitution.

Hence this Bill.

NEW DELHI;
August 22, 2007.

SYED SHAHNAWAZ HUSSAIN

BILL NO. 79 OF 2007

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.

Be it enacted by Parliament in the Fifty-eighth year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2007.

(2) It shall come into force at once.

Amendment of
the Schedule.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part XVIII—*Arunachal Pradesh*, after entry 16, the following entries shall be added, namely:—

“17. Deori.

18. Lichu.

19. Mising.”

2007-08-21

STATEMENT OF OBJECTS AND REASONS

The Deori, Lichu and Mising communities have been living in the State of Arunachal Pradesh since time immemorial and are integral part of the State's rich tribal cultural heritage. They have also contributed immensely to the development of the State. These tribes also fulfil all the necessary criteria laid down by the National Commission for Scheduled Tribes for being recognized as a tribe under the Constitution (Scheduled Tribes) Order, 1950.

Therefore, to give them justice and to fulfil their long pending demand and aspirations, it is proposed in the Bill to include the Deori, Lichu and Mising tribes in the list of Scheduled Tribes for the State of Arunachal Pradesh by amending the Constitution (Scheduled Tribes) Order, 1950.

Hence this Bill.

New Delhi;
September 11, 2007.

TAPIR GAO

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to include Deori, Lichu and Mising tribes of Arunachal Pradesh in the list of Scheduled Tribes in respect of the State of Arunachal Pradesh by way of amending the Constitution (Scheduled Tribes) Order, 1950. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India for extending the benefits of reservation and other affirmative action of the Government to these communities. It is likely to involve an annual recurring expenditure of about rupees eighty crore from the Consolidated Fund of India.

A non-recurring expenditure of about rupees eighty crore is also likely to be involved.

BILL NO. 81 OF 2007

A Bill further to amend the Motor Vehicles Act, 1988.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Motor Vehicles (Amendment) Act, 2007.

Short title and
commence-
ment.

(2) It shall come into force at once.

59 of 1988.

2. In section 129 of the Motor Vehicles Act, 1988, the second proviso shall be omitted.

Amendment of
section 129.

STATEMENT OF OBJECTS AND REASONS

Section 129 of the Motor Vehicles Act, 1988 makes wearing of protective headgear (helmet) compulsory for drivers and pillion riders of two wheeler motor vehicles. However, the second proviso to the section empowers the State Governments to make exceptions to the rule. This has resulted in many State Governments not making wearing of protective headgear mandatory.

Head injuries are the major cause of death of riders of two wheeler motor vehicles in road accidents. Such a tragedy can be averted by wearing the helmets, which protects the head from major as well as minor injuries, in accidents. In many countries it is mandatory, to wear a helmet while driving or riding on two wheeler motor vehicles. Thus, it is imperative to make it mandatory for drivers as well as pillion riders of two wheelers to wear a helmet for their own safety. It is, therefore, necessary to omit the second proviso to section 129 of the Motor Vehicles Act, 1988 which enables the State Governments to make exceptions to the provision relating to wearing of protective headgear as provided in the Act.

The Bill seeks to achieve the above objectives.

NEW DELHI;

R. SENTHIL

November 7, 2007.

BILL NO. 83 OF 2007

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2007. Short title.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part XIV,— Amendment of the Schedule.
Tamil Nadu, for entry 18, the following entry shall be substituted, namely:—

"18. Kuruman, Kurumbas, Kerumans, Kurumba, Kuruba and Kurumba Gounder".

STATEMENT OF OBJECTS AND REASONS

Kuruman, Kurumbas, Kurumans, Kurumba, Kuruba and Kurumba Gounder are all synonyms of one tribe. The people belonging to these tribes are living in various parts of the State of Tamil Nadu. They have same culture. But the Constitution (Scheduled Tribes) Order, 1950 has mentioned only Kurumans in the list of Scheduled Tribes. The other names are not mentioned in the Constitution (Scheduled Tribes) Order, 1950. Due to difference of one or two letters in the names of Kuruman, Kurumbas, Kurumba, Kuruba and Kurumba Gounder tribes, the people of this tribe are not considered as Scheduled Tribes. Hence the people belonging to these communities are not getting the benefits available to the Scheduled Tribes.

The State Government of Tamil Nadu has recognised the demand of persons belonging to these tribes and forwarded their requests to the Union Government for necessary action urgently.

However, there has been undue delay in including the names of these tribes in the list of Scheduled Tribes, which has caused lots of hardship to them. A large number of youth belonging to these communities are not able to get benefits of reservation in the matters of admission in professional colleges and jobs under the State as the names of aforesaid tribes are not mentioned in the Constitution (Scheduled Tribes) Order, 1950. This position has to be rectified.

The present Bill seeks to amend the Constitution (Scheduled Tribes) Order, 1950 in order to include all the synonyms of Kurumans tribe in the list of Scheduled Tribes of the State of Tamil Nadu.

The Bill seeks to achieve the above objectives.

NEW DELHI;
November 8, 2007.

R. SENTHIL

FINANCIAL MEMORANDUM

The Bill seeks to include Kuruman, Kurumbas, Kurumba, Kuruba and Kurumba Gounder community in the list of Scheduled Tribes in respect of the State of Tamil Nadu by way of amending the Constitution (Scheduled Tribes) Order, 1950. The Bill, if enacted, would involve recurring and non-recurring expenditure on account of the benefits to be given under the schemes and programmes of the Government meant for social, educational and economic development of the scheduled tribes. At this stage, it is not possible to mention the exact amount which may be incurred on this account. However, it is estimated that a sum of approximately rupees twenty-five crore is likely to be involved as a recurring expenditure per annum.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

BILL NO. 82 OF 2007

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title

1. This Act may be called the Constitution (Amendment) Act, 2007.

Insertion of
new article
24A.

2. After article 24 of the Constitution, the following article shall be inserted, namely:—

Right to
corruption
free service.

"24A. Every citizen shall have the right to corruption-free service in all offices and bodies under the State."

STATEMENT OF OBJECTS AND REASONS

The fundamental rights enshrined in the Constitution represent two important facts. The first is that they are an explicit and significant articulation of the basic rights that every citizen in the country must enjoy in order to ensure that we have a meaningful democracy and the ideals articulated in the Preamble of the Constitution are realised in practice. The second important fact is that they represent the rights which a citizen must enjoy if we want to have good governance by removing social evils like untouchability. These rights have evolved over generations. They represent the lessons the society has learnt from the past experience when these rights were not available to the citizens and consequently there was suffering and misgovernance. For example, the protection from double jeopardy must have arisen because there was a time when a person could be punished again and again for the same offence.

Sixty years of our existence as independent nation and fifty-seven years of working of the Constitution has resulted in one common experience of all Indian citizens. They cannot go to any public organisation or office today and get the service which they are supposed to get without either paying bribe or bringing influence by way of recommendations or references from VIPs. Today, the situation is so bad that even a simple work can be got done only after paying necessary bribe or bringing influence. It is a shameful thing that our country has been rated as one of the most corrupt countries in the world. Corruption cannot go unchecked. It will kill initiative, industriousness and skill. It will rather develop irresponsibility and a lack of sensibility. Today, corruption is not only in Government departments but is prevalent everywhere.

When we are talking about transparency in administration, freedom of information, etc. it would be appropriate to talk about prevention of corruption which all go together. Today, we are attracting maximum foreign investment. Our computer engineers are making us proud by their achievements. But one single factor, corruption, has downgraded our image to such an extent that all our efforts have been nullified. Certain steps like—

- (i) computerisation of all records;
 - (ii) immediate action in case of corruption;
 - (iii) complete transparency in administration; and
 - (iv) severe punishment to the guilty
- can be initiated immediately to tackle this menace.

With this in view, it is proposed to amend the Constitution to make corruption free service as a fundamental right.

New Delhi;
November 8, 2007.

MOHAN SINGH

P. D. T. ACHARY,
Secretary-General.